

**STATE OF RHODE ISLAND  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

**PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to adopt the following DCYF rule:

**BEHAVIOR REPORTS**

This new rule, in compliance with the federal court order relating to RI Training School residents and the accreditation standards of the American Correctional Association for Juvenile Training Schools and Juvenile Detention Facilities, provides that residents are afforded due process in determining if a minor infraction occurred, that any sanction is proportional to the infraction, and that the resident understands the infraction and sanction.

In the development of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3685). Interested persons should submit data, views or written comments by April 5, 2010 Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 ([Susan.Bowler@dcyf.ri.gov](mailto:Susan.Bowler@dcyf.ri.gov)).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

# **Behavior Report**

Rhode Island Department of Children, Youth and Families  
Division of Juvenile Correctional Services: RI Training School

**Policy: 1200.1305**

Effective Date:

Version: 1

Juvenile Correctional Services staff utilize the Behavior Report process to respond to residents who commit minor offenses. This process ensures that the resident is afforded due process in determining that the infraction occurred, that any sanction is proportional to the infraction and that the resident understands the infraction and sanction.

## **Related Procedure**

Behavior Report

## **Related Policy**

General Discipline Procedure

Incentive System - Points and Levels

Major Discipline Review

Discipline Policy for Academic/Vocational Classes

Resident Handbook

## **Behavior Report**

### **Procedure from Policy 1200.1113: Behavior Report**

- A. Staff use the Behavior Report to address less serious infractions.
  - 1. The staff directly involved in an incident or observing conduct which is subject to disciplinary action completes Section 1 of the Behavior Report in RICHIST.
  - 2. The staff involved in the incident or observing the conduct brings the Behavior Report to the attention of the Unit Manager or School Principal or designee prior to disposition of the disciplinary action when possible.
  - 3. The Unit Manager or School Principal or designee discusses the incident with the resident and staff.
  - 4. The Unit Manager or School Principal or designee supervises, oversees, approves and discusses with residents all sanctions that are imposed as a result of this procedure.
- B. Unit Manager or School Principal or designee can independently determine the need for a Behavior Report and initiate it without supervision. To initiate the Behavior Report they:
  - 1. Meet with the Staff who reported the incident and the resident to discuss the behavior.
  - 2. Give the resident the opportunity to respond and present information and/or evidence on his/her behalf. The resident must have an opportunity to speak privately with the Unit Manager regarding the matter.
- C. When determining the sanction, the Unit Manager or School Principal or designee considers which will be the most effective in altering behavior and preventing reoccurrence. This determination is consistent with the requirements of progressive discipline referenced in DCYF Policy 1200.1300, General Discipline. The Unit Manager or School Principal or designee may impose only one of the following sanctions, in addition to a referral for clinical intervention, if deemed necessary:
  - 1. Warning and/or discussion of the incident with the resident.
  - 2. Participation in a restorative justice meeting with the person aggrieved by the resident's behavior if another resident or staff were adversely affected by the resident's behavior.
    - a. This may include reasonable restitution that does not exceed the value of damaged property.
    - b. Restitution is also based on the resident's ability to pay, and that amount will be taken from the resident's pay when applicable.
  - 3. Loss of a resident's points for one shift.
  - 4. Placing a resident in his/her room for a maximum of one (1) hour.
  - 5. Extra chores homework, book reports, facility and public service assignments for up to a maximum of five (5) days.
  - 6. Sending a resident to his/her room before "lights-out", but not earlier than 8:00 PM, limited to one night for each incident; or one hour before the resident's normal bedtime.
  - 7. Loss of a resident's points for one day.
  - 8. Loss of the second scheduled weekly visit or any special visit for one week.
  - 9. Loss of one unit level.
- D. The Unit Manager or School Principal or designee explains the sanction to the resident before its imposition.
- E. The Unit Manager or School Principal or designee records the disposition on the Behavior Report and forwards to the Superintendent for review.
- F. If sanction includes placing a resident in his/her room, Staff monitor and document in conformance with DCYF Policy 1200.1307, Lock Up and DCYF Policy 1200.0839, Fifteen Minute Room Checks.

- G. The Unit Manager or School Principal or designee files the completed report and records the sanctions imposed, if any, in the Unit Log and/or the daily school notes.
- H. Staff check the daily school notes and/or the Unit Log at the beginning of each shift and/or school day to ensure compliance with penalties or sanctions imposed.
- I. The Superintendent or designee reviews all Behavior Reports at least weekly. If a Behavior Report seems inappropriate, the reviewer meets with the Unit Manager or School Principal or designee and the resident. The reviewer may reduce but not increase imposed sanctions. The purpose of the review is:
  - 1. To determine if the outcome is appropriate or to revise it if it is not.
  - 2. To evaluate trends in terms of level of frequency and appropriateness of staff use of this process.
  - 3. To determine if high frequency of use may indicate a need for alternative behavior management approaches and/or increased supervisory intervention in the form of training.
- J. If residents believe that the Behavior Report and subsequent sanctions are unfair, they may request a meeting with the Superintendent. The resident can review his/her record and the Behavior Report in preparation for the meeting. It is in the discretion of the Superintendent to meet with the resident for such a review.
- K. If the Superintendent or designee meets with a resident to review a Behavior Report, a report of that meeting will be filed in the resident's record. If the Superintendent determines that the Behavior Report was inappropriate, the resident's record will also reflect the amended disposition.
- L. The Behavior Report policy is provided in writing to residents as described in DCYF Policy 1200.1301, Resident Handbook.
- M. Paragraphs A - L are consistent with American Correctional Association (ACA) Standards 3-JDF-3C-02; 3-JTS-3C-02; 3-JDF-3C-03; 3-JTS-3C-03; 3-JDF-3C-06; 3-JTS-3C-06; 3-JDF-3C-07; 3-JTS-3C-07; 3-JDF-3C-08; 3-JTS-3C-08; 3-JDF-3A-06; 3-JTS-3A-06; 3-JDF-3A-09 and 3-JTS-3A-09.
- N. More serious offenses are addressed through DCYF Policy 1200.1306, Major Discipline Review.